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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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MM Docket No. 01-188

RM-10203

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 12, 2005

Released: October 14, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the "Withdrawal of Petition," submitted on behalf of Charles Crawford ("Crawford") on August 11, 2005, in this proceeding. Previously, Crawford had filed a petition for rulemaking seeking the allotment of Channel 243A at Evant, Texas, and we issued a notice proposing that rule change.¹ Subsequently, Crawford filed an appeal of a Commission decision in cases involving similar legal and factual issues, and the Court of Appeals for the District of Columbia recently issued its opinion in that appeal.²

2. Based on the court's holding in *Crawford v. F.C.C.*, Crawford now states his intention to withdraw his petition for allotment of Channel 243A at Ewant. Crawford further states that no consideration has been paid or promised, directly or indirectly, for such withdrawal. See 47 C.F.R. § 1.420(i).

3. It is the Commission's policy to refrain from making an allotment to a community absent an adequate expression of interest. By filing his "Withdrawal of Petition," Crawford has demonstrated that he has no continuing interest in the requested allotment.

4. Accordingly, IT IS ORDERED, That the petition for rule making filed by Charles Crawford, proposing the allotment of Channel 243A at Evant, Texas, IS DISMISSED.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. This document is not subject to the Congressional Review Act. The Commission, is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the proposed rule was dismissed.

¹ See *Evant. Texas*, 16 FCC Rcd 15,257 (MM 2001).

² *Crawford v. F.C.C.*, 417 F.3d 1289 (D.C.Cir. 2005).

6. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
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